



~~July 15, 2003 CPC~~
~~October 21, 2003 CPC~~
~~January 20, 2004 CPC~~
~~March 16, 2004 CPC~~
~~April 20, 2004 CPC~~
May 26, 2004 BS

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

**03SN0288
(AMENDED)**

Douglas R. Sowers

**Matoaca Magisterial District
Watkins Elementary, Evergreen Elementary, Midlothian Middle
and Midlothian High School Districts
East line of Otterdale Road**

REQUEST: Rezoning from Agricultural (A) and Residential (R-25) to Community Business (C-3) with Conditional Use to allow residential multi-family and townhouse uses and Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Residential, office and commercial uses with exceptions to Ordinance requirements are proposed. With approval of this request, a maximum of 740 residential dwelling units would be permitted.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION AND ACCEPTANCE OF THE PROFFERED CONDITIONS AND PAGES 2 THROUGH 8.

**AYES: Messrs. Litton, Bass, Gulley and Wilson
NAY: Mr. Gecker**

STAFF RECOMMENDATION

Recommend approval subject to the applicant addressing the impact of this development on capital facilities. The recommendation made for the following reasons:

Providing a FIRST CHOICE Community Through Excellence in Public Service.

- A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for a mix of regional-scale office, commercial, light industrial, townhouse and multi-family development as well as single family residential use of 2.0 units per acre or less.
- B. The proffered conditions do not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not mitigate the impact on capital facilities, thereby not insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: ON THE RESIDENTIAL PORTION OF THE REQUEST, CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. ON THE NON-RESIDENTIAL PORTION OF THE REQUEST, THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(STAFF/CPC) Development of the Residential (R-12) uses (Tract D) shall not exceed a density of two (2) units per acre. (P)

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration ("Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

- (STAFF/CPC) 1. Master Plan. The Textual Statement dated March 26, 2004, and the zoning map prepared by E.D. Lewis & Associates, Inc., dated March 23, 2004 entitled "Rezoning Master Plan, Matoaca District, Chesterfield County, Virginia" shall be considered the Master Plan. (P)

- (STAFF/CPC) 2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF/CPC) 3. Public Water and Sewer. The public water and wastewater systems shall be used. (U)
- (STAFF/CPC) 4. Cash Proffer. Prior to the time of issuance of a building permit for each new dwelling unit with the exception of the initial (i) eight (8) units where the majority of the lot is within the existing A parcel, and (ii) seventeen (17) units where the majority of the lot is within the existing R-25 parcel, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the Property:
- a. For all residential units except those designated as age-restricted units in accordance with paragraph (b):
 - i. if payment is made prior to July 1, 2004, \$9000; or
 - ii. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors, but not to exceed the \$9000 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made; or
 - b. For all residential units designated for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in section 3607 of the Fair Housing Act, 42 USC Sections 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the rezoning, and which are subject to the occupancy requirement that no person under 19 shall reside in such unit:
 - i. if payment is made prior to July 1, 2004, \$4815, to be allocated among the facility costs as follows: \$598 for parks, \$324 for library facilities, \$346 for fire stations, and \$3547 for roads; or
 - ii. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors, but not to

exceed the \$4815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made, to be allocated pro-rata among the facility costs as specified in (b)(i).

If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

(STAFF/CPC)

5. Age-Restricted Units. Age-restricted dwelling units shall be grouped on a particular portion of the Property and shall not be scattered among other residential dwelling units. At the time of recordation of a subdivision plat, lots for age-restricted units shall be so noted on the plat. Any site plan for age-restricted dwelling units shall also note such restriction. (B&M)

(STAFF/CPC)

6. Stormwater Runoff Limitation. The developer shall leave in place the temporary sediment control devices and/or, at the election of the developer, construct new BMPs or combinations and BMPs, which would achieve a maximum phosphorus limit of .22 for residential development, and (ii) a maximum phosphorus limit of .45 for commercial development, until Chesterfield County has constructed the downstream regional BMP into which the development will drain pursuant to the Upper Swift Creek Water Shed Plan. (EE)

(STAFF/CPC)

7. Phasing of Development. No single family lots shall be recorded prior to January 1, 2006, and no more than seventy-seven single family lots shall be recorded prior to January 1, 2007. There shall be no site plan approved for any residential multifamily units prior to January 1, 2007. (P)

(STAFF/CPC)

8. Road Improvements.
 - a. Right of Way Dedication. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from a written request by the county, whichever occurs first, the applicant or his assignee shall dedicate to the county, free and unrestricted, the following rights of way:

- i. A forty-five (45) foot wide right of way for Old Hundred Road adjacent to the Property, measured from the centerline of Old Hundred Road;
 - ii. A forty-five (45) foot wide right of way for Otterdale Road adjacent to the Property, measured from the centerline of Otterdale Road;
 - iii. Up to a 120-foot wide right of way for a north/south major arterial ("Woolridge Road Extended") through the eastern part of the Property, as generally shown on the Rezoning Master Plan. Chesterfield Department of Transportation (CDOT) shall approve the exact width and location of this right of way. The applicant or his assignee shall submit to and receive approval from CDOT, an alignment, based on VDOT Urban Minor Arterial standards (50 MPH) with sufficient design information to include preliminary environmental assessment for Woolridge Road Extended; and
 - iv. Rights of way or easements for access (the "Site Road"), as approved by CDOT, from Woolridge Road Extended, from Old Hundred Road and if requested by CDOT from Otterdale Road, across the Property to the Lennon parcel (Tax ID 7196945885). The Site Road right of way width shall generally be sixty (60) feet; however, the exact width and location of these rights of way or easements shall be approved by CDOT.
- b. Construction. In order to provide an adequate roadway system, the applicant or his assignee shall be responsible for the following road improvements:
- i. Construction of a four (4) lane divided facility for Woolridge Road Extended, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by CDOT, from Old Hundred through the Site Road intersection. The exact length of this improvement shall be approved by CDOT;
 - ii. Construction of additional pavement along Woolridge Road Extended at the Site Road to provide dual left turn lanes, if warranted as

determined by CDOT. The exact length of this improvement shall be approved by CDOT;

- iii. Construction of an additional lane of pavement plus a seven (7) foot wide unpaved shoulder along Old Hundred Road for the entire Property frontage;
- iv. Construction of left and right turn lanes at each approved access to the Property along the Site Road, along Old Hundred Road, along Otterdale Road, and along Woolridge Road Extended, including the Old Hundred Road/Woolridge Road Extended intersection, as determined by CDOT;
- v. Full cost of traffic signalization at each approved access including at the Site Road/Old Hundred Road, Site Road/Woolridge Road Extended, and Old Hundred Road/Woolridge Road Extended intersections, if warranted as determined by CDOT;
- vi. Relocation of the ditch along the east side of Otterdale Road adjacent to the Property, to provide an adequate shoulder; and
- vii. Any rights of way necessary for improvements specified in Proffered Condition 8.b. In the event the developer is unable to acquire the right of way necessary for these road improvements, the applicant or his assignee may request, in writing, the county to acquire such right of way as a public road improvement. All costs associated with the acquisition of such right of way shall be borne by the applicant or his assignee.

Prior to any site plan or subdivision construction plan approval, whichever occurs first, a phasing plan for the improvements specified in Proffered Condition 8.b. shall be submitted to and approved by CDOT. The approved phasing plan shall require, among other things, that the construction of a four (4) lane divided Woolridge Road, as identified in Proffered Condition 8.b.i., not occur until a nonresidential use is developed on Parcels B, F or G. (T)

(STAFF/CPC)

9. Phasing. No building permits shall be issued for any nonresidential uses within Parcels B, F or G until:

- (i) The following roads have been constructed, as a two (2) lane facility, as determined by CDOT: a) Woolridge Road Extended from Watermill Parkway to Route 288; b) an east/west major arterial in the Greensprings Development from Otterdale Road to Woolridge Road Extended, generally extending through the parcels identified as Tax IDs 7166914229 and 7166897889; c) Powhite Parkway Extended from Watermill Parkway to Woolridge Road Extended; and d) an east/west major arterial north of the Property from Old Hundred Road to Woolridge Road Extended generally extending through the parcels identified as Tax IDs 7167014130, 7207000007 and 7227004002 or Old Hundred Road is reconstructed to a standard acceptable to CDOT from the northern boundary of the proposed Halsey Subdivision to the Otterdale Road intersection; and
- (ii) A traffic impact analysis based on CDOT procedures has been submitted to and approved by CDOT. The approved traffic analysis shall establish the maximum density of development on the Property, and determine if the applicant or his assignee shall be responsible for additional roadway improvements from those identified in Proffered Condition 8.b., as determined by CDOT. (T)

(STAFF/CPC)

- 10. Access. Direct access from the Property to Woolridge Road Extended shall be limited to the Site Road generally located at the southern Property line, as generally shown on the Rezoning Master Plan. Direct access from the Property to Old Hundred Road shall be limited to the Site Road generally located towards the western property line, as generally shown on the Rezoning Master Plan. Prior to any site plan or tentative subdivision plan approval, whichever occurs first, the applicant or his assignee shall submit to CDOT, and receive its approval of, a plan for access to the Property from Woolridge Road Extended, Old Hundred Road, Otterdale and the Site Road. Access to the Property shall conform to the approved access plan. (T)

(STAFF/CPC)

- 11. Access Limitation. No access shall be permitted to or from the Property: (a) to Old Hundred Road between Tax ID 7186971607 and Tax ID 7176979512; or (b) to Otterdale Road between Tax ID 7166966084 and Tax ID 7166965665. (T)

(STAFF/CPC)

- 12. Residential Townhouses. All roads that accommodate general traffic circulation through any part of Parcels F or G that is developed for townhouse use, as determined by CDOT, shall be designed and constructed to state standards and taken into the state system. Setbacks from these public roads shall be as identified for

special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. This condition may be modified by CDOT if it is determined that the roads or any part of such roads cannot be designated for state acceptance. For any roads which accommodate general traffic circulation through the development that are not to be a part of the state system, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by CDOT. (T)

GENERAL INFORMATION

Location:

East line of Otterdale Road, south of Gamecock Road and south line of Old Hundred Road, east of Otterdale Road. Tax IDs 716-696-9418 and 9559; 717-695-0722; 717-696-1097 and 718-696-7128 (Sheet 9).

Existing Zoning:

A and R-25

Size:

117.8 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, East, South and West – A; Single family residential or vacant

UTILITIES

Public Water System:

This site lies within the outer reaches of the water pressure zone governed by the Huguenot Springs Water Tank. To provide adequate pressure to meet fire flow demands, extension of an adequately sized water line from the existing twenty four (24) inch water line adjacent to Midlothian Turnpike, approximately three (3) miles north of this site, will be necessary. The Upper Swift Creek Plan recommends use of the public water system. Use of the public water system is intended. (Proffered Condition 3)

Public Wastewater System:

A sixty (60) inch wastewater trunk line extends along the north side of Genito Road, adjacent to the Swift Creek Reservoir, approximately two (2) miles southeast of this site. The request site is within the service area of the Tomahawk Creek basin. Extension of an adequately sized wastewater trunk line along Tomahawk Creek from the sixty (60) inch trunk line to the request site will be necessary to provide public wastewater service. The Upper Swift Creek Plan recommends use of public wastewater system. Use of the public wastewater system is intended. (Proffered Condition 3)

ENVIRONMENTAL

Drainage and Erosion:

Currently, there are no on- or off-site drainage or erosion problems with none anticipated after development. The property is heavily wooded and should not be timbered without first obtaining a land disturbance permit. This will insure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 2)

Water Quality:

The property is located in the Upper Swift Creek Reservoir Watershed. Participation in the Upper Swift Creek Regional Stormwater Master Plan is required with payment of a pro-rata construction fee and a fee per residential unit for Best Management Practice (BMP) maintenance. Riparian Corridor Management/NRPA BMPs are located on the property, as graphically depicted on the Geographic Information System. These areas prohibit disturbance of the natural vegetation within the 100-year floodplain except as permitted by Ordinance.

To address concerns of the Planning Commission and area citizens, the applicant has agreed to maintain sediment basins or construct new BMPs, or a combination thereof, until downstream regional BMPs have been constructed. (Proffered Condition 6)

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The residential portion of this development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 740 dwelling units, this request will generate approximately 190 calls for fire and emergency medical services each year. The applicant has not fully addressed the impact on fire service. (Proffered Condition 4)

The Waterford Fire/Rescue Station, Company Number 16, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 392 new students will be generated by this development. The site currently lies in the Watkins Elementary School attendance zone: capacity - 752, enrollment - 855; however, is proposed to attend Evergreen Elementary; capacity - 878, enrollment - 802; Midlothian Middle School zone: capacity - 1,331, enrollment - 1,399; and Midlothian High School zone: capacity - 1,568, enrollment - 1,600.

There are currently eight (8) trailers at Watkins Elementary; four (4) trailers at Evergreen Elementary; five (5) trailers at Midlothian Middle; and five (5) at Midlothian High.

The students generated by this development would create significant enrollment increases at the elementary, middle and high school levels. The elementary schools will continue to experience significant enrollment increases even if the redistricting proposal is approved by the School Board. The applicant has not agreed to fully participate in the cost of providing for area school needs. (Proffered Condition 4)

Libraries:

Consistent with the Board of Supervisors' Policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identified a need for additional library space throughout the County. Even if the facility improvements that have been made since the Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development of the property noted in this case would most likely affect the existing Midlothian Library or the proposed new Powhite/Genito branch. The Plan indicates a need for additional library space in this area by 2015. The applicant has not agreed to fully participate in the cost of providing for area library needs. (Proffered Condition 4)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has not offered measures to adequately assist in addressing the impact of this proposed development on Parks and Recreation facilities. (Proffered Condition 4)

Transportation:

The property (117.8 acres) is currently zoned Agricultural (A). The applicant has submitted a plan ("Rezoning Master Plan") that subdivides the property into seven (7) tracts; Tracts A through G. Tracts A, B and F, which total 47.1 acres, could be developed for retail uses. Tracts C and G, totaling 7.4 acres, could be developed for office uses. Tracts F and G could also be developed for residential uses. Tract D, consisting of thirty-five (35) acres, will be developed for single family, and Tract E, consisting of twenty-eight (28) acres, will be developed for apartments. This request will not limit development of Tracts A, B, C, F or G to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on single family, apartment, general office and shopping center trip rates, development could generate approximately 22,500 average daily trips.

These vehicles will be distributed along Otterdale Road and Old Hundred Road, which had 2003 traffic counts of 1,090 and 7,067 vehicles per day, respectively. Sections of Otterdale Road have nineteen (19) to twenty (20) foot wide pavement with no shoulders. Sections of Old Hundred Road, east of Otterdale Road have twenty-one (21) to twenty-two (22) foot wide pavement with no shoulders, and west of Otterdale have eighteen (18) to nineteen (19) foot wide pavement with no shoulders. Old Hundred Road and Otterdale Road have fixed objects adjacent to the edge of the pavement, and substandard vertical and horizontal alignments. The capacity of these roads is acceptable (Level of Service B and D, respectively) for the volume of traffic they currently carry.

The Thoroughfare Plan identifies the extension of Woolridge Road, as a major arterial with a recommended right of way width of ninety (90) feet, from Genito Road to Route 288. Otterdale Road currently serves as the major north/south road for this part of the County. Due to its current condition, reconstructing Otterdale Road to handle increased traffic will be very costly. Once the proposed Woolridge Road Extended from Genito Road to Route 288 and the proposed east/west major arterial, located south of Powwhite Parkway Extended, from Otterdale Road to Woolridge Road Extended are constructed, they could better handle north/south travel. In order to avoid major reconstruction of sections of Otterdale Road and eliminate bridging Otterdale Road for Powwhite Parkway Extended, Staff recommends that cul-de-sacs be constructed on Otterdale Road at Powwhite Parkway Extended. These cul-de-sacs are anticipated to be provided when Powwhite Parkway Extended is constructed. In shifting the traffic from Otterdale Road to Woolridge Road Extended, it is anticipated that Woolridge Road Extended from the East/West Arterial to Route 288 may need to be a six (6) lane facility; therefore, the recommended right of way width on this section of road should be increased from ninety (90) to 120 feet. The recommendations in this report anticipate cul-de-sacs on Otterdale Road. Staff will recommend these same changes to the Thoroughfare Plan, with upcoming Comprehensive Plan amendments.

The alignment for the proposed Woolridge Road Extended from Powhite Parkway Extended as it extends north of Old Hundred Road could be affected by the crossing of Tomahawk Creek. The applicant has proffered to submit a plan, with sufficient design information to include preliminary environmental assessment, for the Transportation Department's review and approval, showing an alignment for the proposed Woolridge Road Extended. The approved plan could show all or a segment of Woolridge Road Extended across the eastern part of the subject property. Any right of way for Woolridge Road Extended that does not cross the subject property would extend onto the adjacent parcel to the southeast (i.e., the Lennon parcel). The applicant has proffered to dedicate up to a 120-foot wide right of way across the subject property for Woolridge Road Extended. (Proffered Conditions 8.a.iii.)

The Thoroughfare Plan identifies Old hundred Road and Otterdale Road as major arterials with recommended right of way widths of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of those roads, in accordance with that Plan (Proffered Conditions 8.a.i. and ii.). The applicant has also proffered to dedicate stub road rights of way or easements (the "Site Road") from Woolridge Road Extended, Old Hundred Road and if requested from Otterdale Road across the subject property to provide access to the Lennon parcel (Proffered Condition 8.a.iv.). A limited access interchange is proposed for the Woolridge Road Extended/Powhite Parkway intersection. The Site Roads that will extend through the subject property will serve as the only access for development of that part of the Lennon parcel in the northwest quadrant of that future interchange.

Access to major arterials, such as Woolridge Road Extended and Old Hundred Road, should be controlled. The applicant has proffered that direct access to Woolridge Road Extended will be limited to the one (1) Site Road located at the southern property line, and to Old Hundred Road will be limited to the one (1) Site Road located towards the western property line (Proffered Condition 10). Proffered Condition 10 also requires that an access plan be submitted, for Transportation Department's review and approval, which shows access from the property to the Woolridge Road Extended, Old Hundred Road, Otterdale Road and the Site Roads. Access for the property will be based on the proffered condition regarding access limitation to Woolridge Road Extended and Old Hundred Road, and the approved access plan. To address neighborhood concerns, the applicant has also proffered that no access will be provided from the property to Old Hundred Road or Otterdale Road through the parts of the property that are approximately fifty (50) foot wide and that extend through the lots that front each roadway. (Proffered Condition 11)

This request will allow development of townhouses in Tracts F and G. Staff recommends that all of the main streets that serve the townhouse units be accepted into the State Highway System. Having these streets accepted into the State Highway System will insure their long-term maintenance. The applicant has proffered that all streets, which accommodate general traffic circulation, will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System (Proffered Condition 12). The condition allows staff to approve private streets within the townhouse development, if it is determined that they cannot be designed to State

standards. If staff approves any private streets, the proffered condition also requires the developer to provide a plan for their continual maintenance.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct a four (4) lane divided facility for Woolridge Road Extended from Old Hundred, south through the Site Road intersection; 2) construct additional pavement along Woolridge Road Extended at the Site Road intersection to provide dual left turn lanes, if warranted; 3) construct an additional lane of pavement plus a seven (7) foot wide unpaved shoulder along the south side of Old Hundred Road for the entire property frontage; 4) construct left and right turn lanes at each approved access to the property along the Site Road, along Old Hundred Road, along Otterdale Road, and along Woolridge Road Extended, including the Old Hundred Road/Woolridge Road Extended intersection; 5) provide full cost of traffic signalization at each approved access including at the Site Road/Old Hundred Road, Site Road/Woolridge Road Extended, and Old Hundred Road/Woolridge Road Extended intersections, if warranted; and 6) relocate the ditch along the east side of Otterdale Road adjacent to the property to provide an adequate shoulder. (Proffered Condition 8.b.)

Constructing these road improvements may require the developer to acquire some "off-site" right of way. According to Proffered Condition 8.b.vii., if the developer is unable to acquire the off-site right of way for any road improvement, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. (Proffered Condition 8.b.vii.)

The applicant has proffered to contribute some cash, towards mitigating the traffic impact of the residential development (Proffered Condition 4). The proffer does not mitigate the total impact of this development; therefore, the Transportation Department cannot support this request. As development continues in this part of the County, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the County are included in the Secondary Road Six-Year Improvement Plan.

The applicant has also proffered to restrict development of any nonresidential uses on Tracts B, F and G, until certain roads are constructed/reconstructed and a traffic analysis is reviewed and approved by the Transportation Department (Proffered Condition 9). Based on general office and shopping center trip rates, development of nonresidential uses on Tracts B, F and G could generate approximately 17,000 average daily trips. Area roads cannot handle this volume of traffic. Proffered Condition 9 requires that no nonresidential development will occur on Tracts B, F and G until; 1) two (2) lane facilities for Woolridge Road Extended from Watermill Parkway to Route 288, for the proposed east/west major arterial in the Greenspring Development from Otterdale Road to Woolridge Road Extended, for Powhite Parkway Extended from Watermill Parkway to Woolridge Road Extended, and for the proposed east/west major arterial north of the property from Old Hundred Road to Woolridge Road Extended are constructed. As an alternative to the proposed east/west major arterial located north of the property being

constructed, the section of Old Hundred Road from the northern boundary of the proposed Halsey Subdivision to the Otterdale Road intersection could be reconstructed; and 2) a traffic impact analysis is approved establishing the maximum density of development on the property, and determining if additional roadway improvements, above those improvements already proffered, will be required. The approved traffic analysis will be based on a twenty (20) year projection of the local traffic plus traffic volumes from anticipated development of adjacent parcels; especially incorporating development of the Lennon parcel with similar land uses and densities proposed at that time for Tract B of the subject property.

At time of tentative subdivision or site plan review, specific recommendations will be provided regarding, among other things, the location of Woolridge Road Extended, access and the internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	434*	1.00
Population Increase	1,180.48	2.72
Number of New Students		
Elementary	104.16	0.24
Middle	56.42	0.13
High	73.78	0.17
TOTAL	234.36	0.54
Net Cost for Schools	2,103,598	4,847
Net Cost for Parks	300,762	693
Net Cost for Libraries	162,750	375
Net Cost for Fire Stations	174,034	401
Average Net Cost for Roads	1,783,306	4,109
TOTAL NET COST	4,524,450	10,425

* Based on average actual densities of 1.86 units per acre for the R-12 and 8.07 units per acre for the RMF, reduced by seventeen (17) units permitted on the existing R-25. The actual number of units and corresponding impacts may vary.

As noted, this proposed development would have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000

per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicants have been further advised that a maximum proffer of \$4,815 per unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the proposed development, as it will not have an increased impact on school facilities.

The applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 4). The Commission and Board should note however, that the applicant has proffered cash to address the impact of this development on capital facilities for each unit in excess of seventeen (17) units within the existing R-25 parcel and in excess of eight (8) units within the agriculturally-zoned parcel. The applicant has not proffered cash to address the impact of eight (8) of the units in the agricultural parcel or seventeen (17) of the units in the R-25 parcel. Based on the Board's Policy, staff supports the seventeen (17) unit credit, however past practice has not typically recognized such credits on agricultural property. Staff recommends that the applicant fully address the impact of the development of the eight (8) remaining units.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this case that may justify acceptance of proffers as offered.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for regional scale office or commercial development within proximity of the future Powhite Parkway/North Woolridge Road interchange, transitioning to residential development of two (2) units per acre or less along the northwestern edges of this regional office/commercial node adjacent to Otterdale and Old Hundred Roads.

Area Development Trends:

The property is located at the northwestern edge of a regional mixed use land use node focused around the future interchange of Powhite Parkway and North Woolridge Road. Properties south and east of this proposed interchange are currently zoned for a mix of residential, office and commercial uses as part of the original Greenspring project. Property south of the subject parcel and located at the northwest quadrant of this proposed interchange is zoned Agricultural (A) and remains vacant. Surrounding properties along and across Otterdale and Old Hundred Roads are currently zoned Agricultural (A) and are occupied by single family dwellings or are vacant. It is anticipated that properties directly surrounding this future interchange will develop as commercial, office and high density residential uses, transitioning to single family residential uses at the edges.

Zoning History:

On November 24, 1976, the Board of Supervisors, upon a favorable recommendation of the Planning Commission, approved a rezoning of 12.7 acres from Agricultural (A) to Residential (R-25) (Case 76S171). This area is included within the boundaries of the subject tract.

Site Design:

The Master Plan divides the property into several tracts of land (Textual Statement). Tracts A, B and C are proposed for non-residential uses, Tracts D and E for residential uses and Tracts F and G permit a combination of residential and non-residential uses. Tract boundaries may be enlarged or reduced by a maximum of ten (10) percent, however, Residential (R-12) uses are limited to a maximum of thirty (30) percent of the project area or thirty-five (35) acres as part of a Conditional Use Planned Development. It should be noted that the Zoning Ordinance will require submission of an overall schematic plan for the entire project prior to any site or tentative subdivision plan approval.

Commercial: (Tracts A and B)

Within Tract A, uses would be limited to those permitted by right or with restrictions in the Convenience Business (C-1) District. Community Business (C-3) uses would be permitted within Tract B. Such uses would be developed in accordance with the Emerging Growth District requirements of the Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, pedestrian access and screening of dumpsters and loading areas.

Office: (Tracts C and G)

Uses would be limited to those permitted by right or with restrictions in the Corporate Office (O-2) District, except for public and private schools, fire stations, rescue squads and golf courses which are uses not permitted within the underlying Community Business (C-3) District. Such uses would be developed in accordance with the Emerging Growth District requirements of the Ordinance.

Single Family Residential: (Tract D)

Single family residential uses would be required to be developed in accordance with Zoning Ordinance requirements for Residential (R-12) Districts. Proffered conditions limit the density of the development to two (2) units per acre yielding a maximum of seventy (70) lots (Condition). The minimum lot size would be 12,000 square feet.

Townhouse: (Tracts F and G)

Townhouse uses would be required to be developed in accordance with Ordinance requirements for such development within Community Business (C-3) Districts except for maximum gross acreage requirements and coordination of construction phasing with non-residential uses. The maximum density would be eight (8) units per acre.

MultiFamily: (Tracts D, F and G)

Multifamily uses would be required to be developed in accordance with Ordinance requirements for such development within Community Business (C-3) Districts except for maximum gross acreage requirements and coordination of construction phasing with non-residential uses. The maximum density would be fourteen (14) units per acre.

Buffers and Screening:

With the approval of this request, outside storage would be permitted as a restricted use within Tract B as well as Tract F, if developed for commercial uses. Outside storage areas must be screened from view of adjacent properties that have no such areas and public rights of way.

Property west of and adjacent to Tract C is zoned Agricultural (A) and is occupied by a single family residence. The Ordinance would not require a buffer adjacent to this A parcel. Properties to the south adjacent to Tracts B, E, F and G are zoned Agricultural (A) and are currently vacant. These properties are designated within the Upper Swift Creek Plan for a mix of regional scale commercial office and high density residential uses. As such, the Ordinance would not require a buffer adjacent to these A parcels.

Phasing:

In response to concerns expressed by the Matoaca District Commissioner relative to the impact of the development on area roads and schools, a proffered condition was submitted for the phasing of the residential portion of the development. Ultimate build out will not occur before January 1, 2007. (Proffered Condition 7)

CONCLUSIONS

The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for a mix of regional-scale office, commercial, light industrial, townhouse and multifamily development as well as single family residential use of 2.0 units per acre or less.

However, the proffered conditions do not adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions do not

fully mitigate the impact on capital facilities, thereby not insuring that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended, subject to addressing impacts on capital facilities and concerns, as discussed herein.

CASE HISTORY

Planning Commission Meeting (7/15/03):

At the request of the applicant, the Commission deferred this case to October 21, 2003.

Staff (7/16/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than August 18, 2003, for consideration at the Commission's October public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's October public hearing.

Staff (10/2/03):

To date, no new information has been received nor has the \$250.00 deferral fee been paid.

Applicant (10/15/03):

The deferral fee was paid.

Planning Commission Meeting (10/21/03):

At the request of the applicant, the Commission deferred this case to January 20, 2004.

Staff (10/22/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than November 17, 2003, for consideration at the Commission's January 20, 2004, public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

Applicant (11/07/03):

The deferral fee was paid.

Applicant (1/5/04):

Revised proffered conditions, Textual Statement and Master Plan were submitted.

Planning Commission Meeting (1/20/04):

At the request of the applicant, the Commission deferred this case to March 16, 2004.

Staff (1/21/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than January 26, 2004, for consideration at the Commission's March 16, 2004, public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

Applicant (1/30/04):

The deferral fee was paid.

Applicant (2/2/04, 2/18/04 and 2/20/04):

Additional information was submitted to the Transportation Department.

Applicant (3/10/04):

Amended proffered conditions and textual statement were submitted.

Planning Commission Meeting (3/16/04):

On their own motion, the Commission deferred this case to April 20, 2004.

Staff (3/17/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than March 22, 2004, for consideration at the Commission's April 20, 2004, public hearing.

Applicant (3/17/04):

The application was amended to include a Conditional Use to permit a residential townhouse development.

Applicant (3/26/04, 3/30/04 and 4/16/04):

Revised proffered conditions and textual statement were submitted.

Planning Commission Meeting (4/20/04):

The applicant did not accept staff's recommendation but accepted the Commission's recommendation. There was opposition present. Concerns were expressed relative to the request not fully mitigating the development's impacts on capital facilities and the rapid development in the general area of the request.

Mr. Gecker noted that the Cash Proffer Policy was determined by the Board and that it was not the Commission's position to negotiate the terms of the policy.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission recommended approval of this request subject to the condition and acceptance of the proffered conditions on pages 2 through 8.

AYES: Messrs. Litton, Bass, Gulley and Wilson

NAY: Mr. Gecker

The Board of Supervisors, on Wednesday, May 26, 2004, beginning at 7:00 p.m., will take under consideration this request.

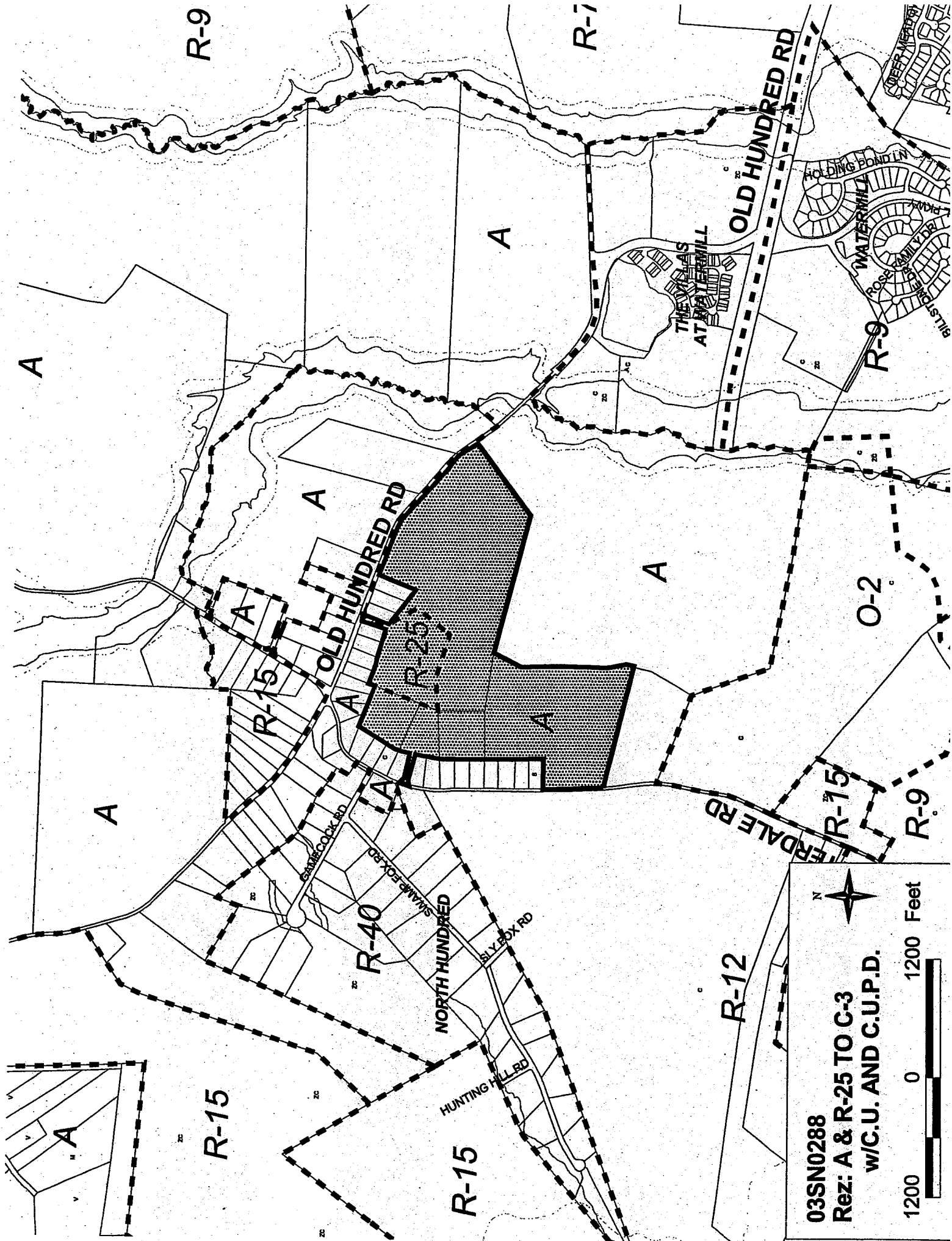
Second Amended Textual Statement

1. The Zoning Map prepared by E.D. Lewis & Associates, Inc., dated March 23, 2004 entitled "Rezoning Master Plan, Matoacoa District, Chesterfield County, Virginia", shall be the Master Plan for the subject property ("Property"), provided that the area of each parcel shown thereon may be enlarged or contracted by not more than ten (10) percent of its area, with corresponding adjustments to the area of adjacent parcels, and provided that these parcels generally maintain their relationship with each other and with adjacent properties. A plan for any such parcel adjustment shall be submitted to the Planning Department for review and approval.
2. The permitted uses, requirements, and standards permitted on various parcels shown on the Master Plan shall be as follows:
 - a. Parcel A: Uses permitted in Parcel A shall be restricted to those uses permitted by right or with restrictions in the Convenience Business (C-1) District.
 - b. Parcel B: Uses permitted in Parcel B shall be restricted to those uses permitted by right or with restrictions in the Community Business (C-3) District except that residential multifamily and townhouses shall not be permitted.
 - c. Parcel C: Uses permitted in Parcel C shall be restricted to those uses permitted by right or with restrictions in the Corporate Office (O-2) District, except for (i) schools/colleges, public and private, (ii) fire stations and rescue squads, and (iii) golf courses.
 - d. Parcel D: Uses permitted in Parcel D shall be restricted to those uses permitted by right or with restrictions in the Residential (R-12) District, subject to the requirements of the zoning ordinance for the R-12 District.
 - e. Parcel E: Uses permitted in Parcel E shall be restricted to those uses permitted by right or with restrictions in the Multifamily Residential (R-MF) District, subject to the requirements of the zoning ordinance for the R-MF District, except as outlined in Section 19-159(j)(1) and (2)a.
 - f. Parcel F: Uses permitted in Parcel F shall be restricted to those uses permitted by right or with restrictions in the Community Business (C-3) District, subject to the requirements of the zoning ordinance for the C-3 District, except as outlined in Section 19-159(j)(1) and (2)a.
 - g. Parcel G: Uses permitted in Parcel G shall be restricted to those uses permitted by right or with restrictions the Corporate Office (O-2) District, subject to the requirements of the zoning

ordinance for the O-2 District, except for (i) schools/colleges, public and private, (ii) fire stations and rescue squads, and (iii) golf courses. Additional uses permitted in Parcel G shall be those uses permitted by right or with restrictions in the (i) Multifamily Residential (R-MF) District, subject to the requirements of the zoning ordinance for the R-MF District, except as outlined in Section 19-159(j)(1) and (2)a, and (ii) Residential-Townhouse (R-TH) District, subject to the requirements of the zoning ordinance for the R-TH District, except as outlined in Section 19-159(j)(1) and (2)a.

March 26, 2004

#485626 v5 017292.02109

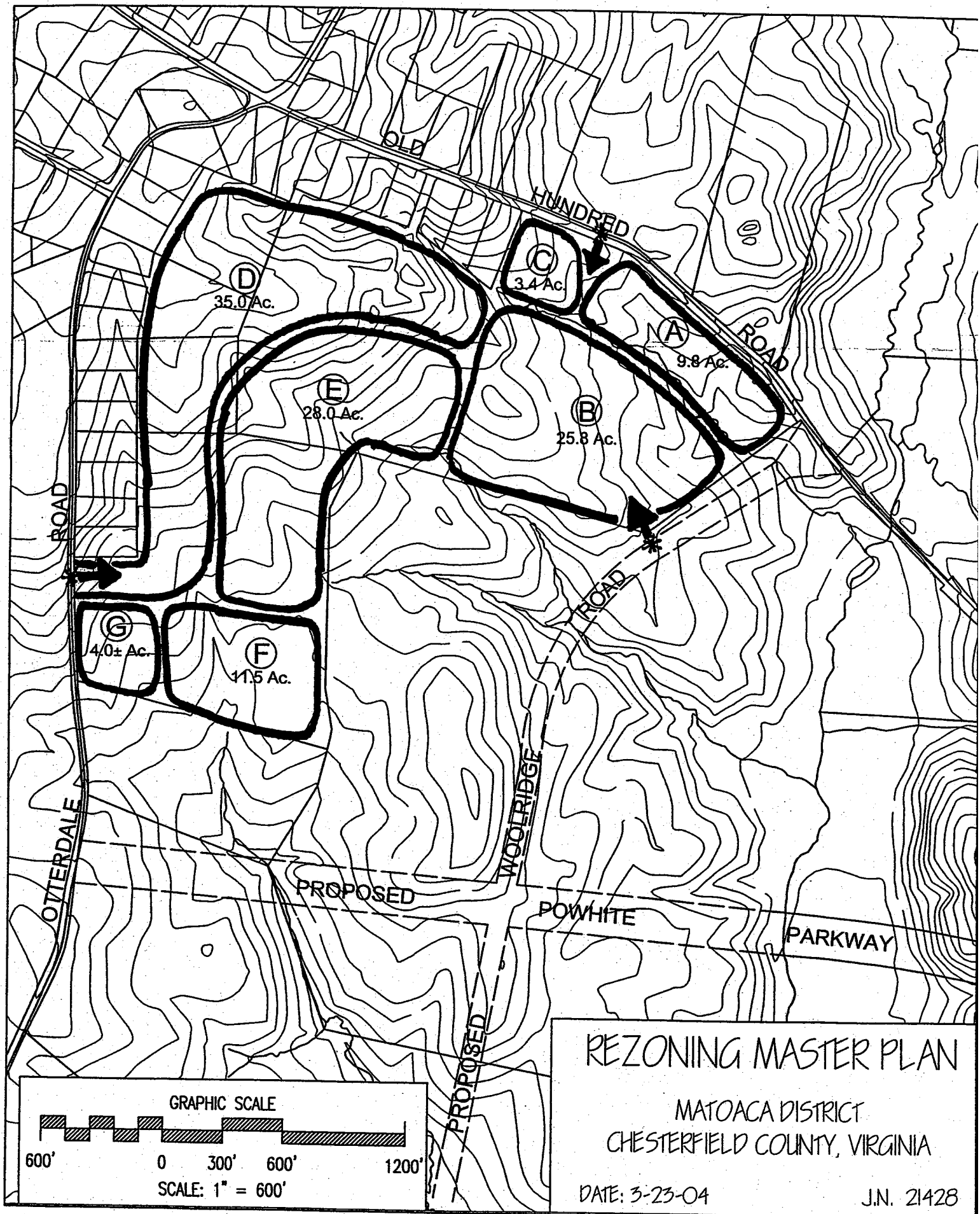


03SN0288

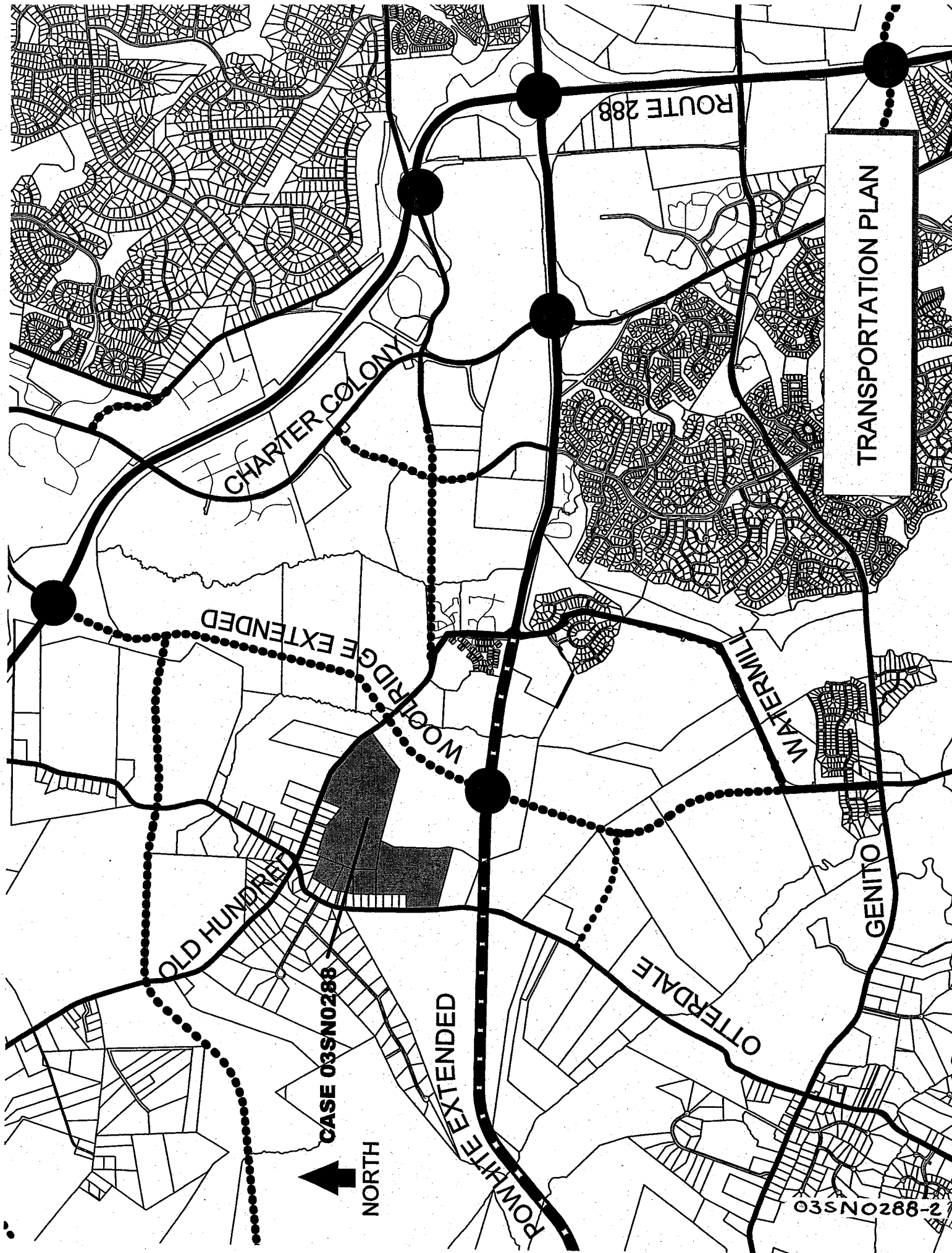
Rez: A & R-25 TO C-3
w/C.U. AND C.U.P.D.



1200 0 1200 Feet



03SNO288-1



TRANSPORTATION PLAN

ROUTE 288

CHARTER COLONY

WATERMILL

GENITO

OTTERDALE

WHITE EXTENDED

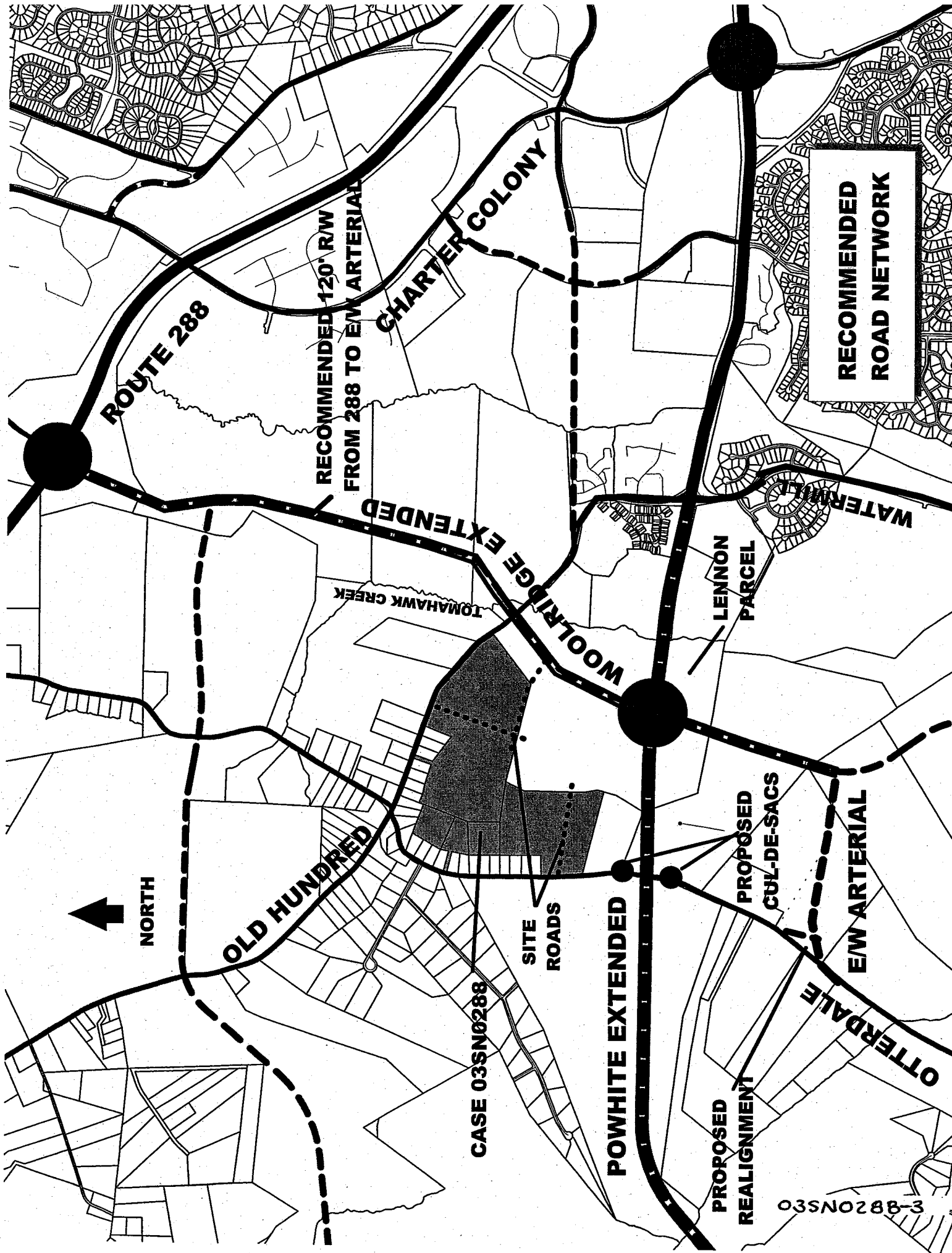
OLD HUNDRED

WOOLRIDGE EXTENDED

CASE 03SN0288



03SN0288-2



**RECOMMENDED
ROAD NETWORK**

ROUTE 288

CHARTER COLONY

**RECOMMENDED 120' R/W
FROM 288 TO E/W ARTERIAL**

WOOLRIDGE EXTENDED

TOMAHAWK CREEK

**LENNON
PARCEL**

WATERMILL

NORTH

OLD HUNDRED

**SITE
ROADS**

CASE 03SN0288

POWHITE EXTENDED

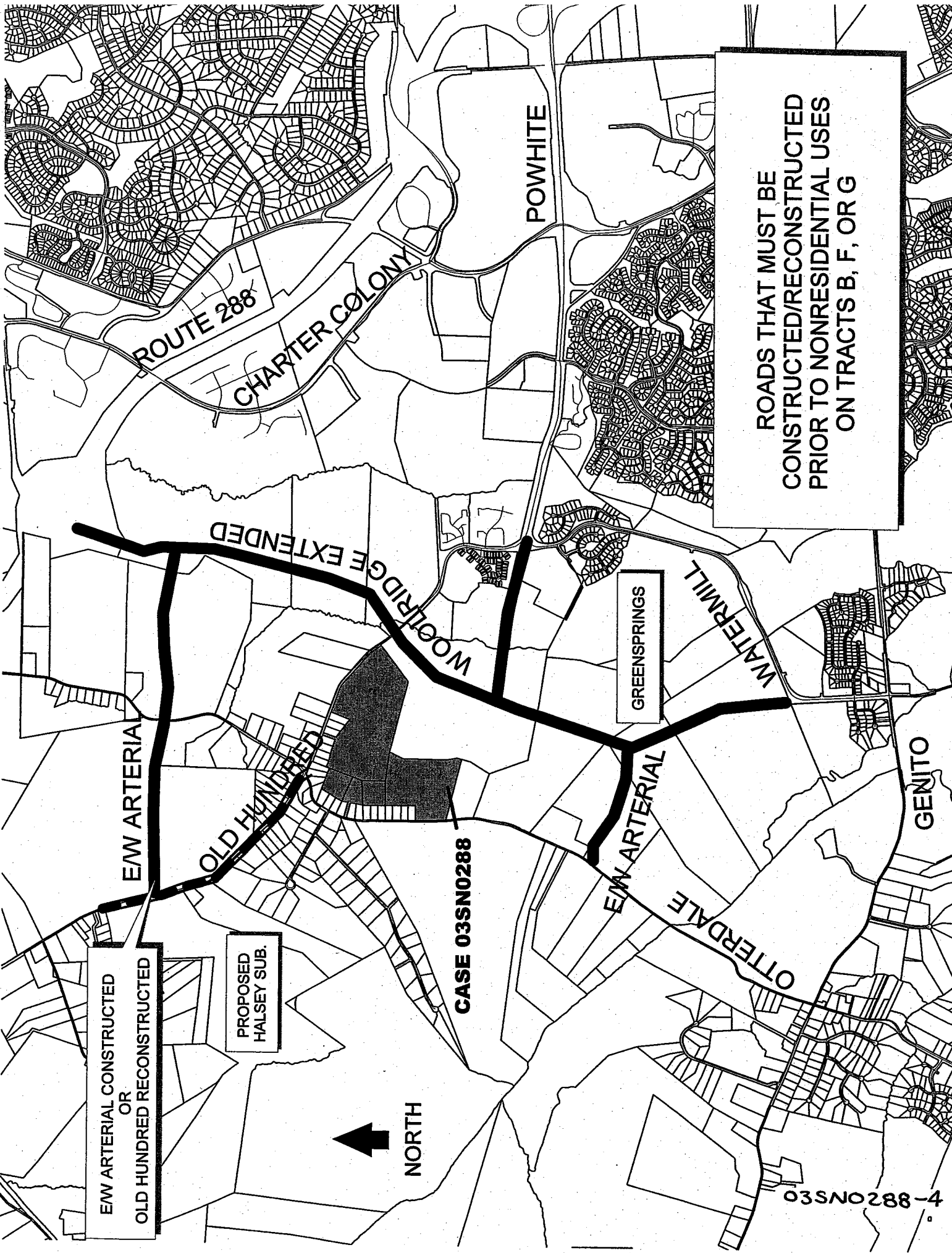
**PROPOSED
CUL-DE-SACS**

**PROPOSED
REALIGNMENT**

E/W ARTERIAL

OTTERDALE

03SN0288-3



ROADS THAT MUST BE
CONSTRUCTED/RECONSTRUCTED
PRIOR TO NONRESIDENTIAL USES
ON TRACTS B, F, OR G

EW ARTERIAL CONSTRUCTED
OR
OLD HUNDRED RECONSTRUCTED

PROPOSED
HALSEY SUB.

NORTH

03SN0288-4